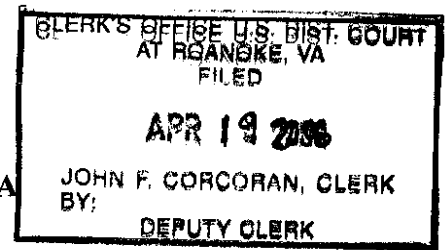


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION



DERRICK ALLEN MARTIN,  
Plaintiff,

v.

JOHN HIGGINS,  
Defendant.

)  
) Civil Action No. 7:06CV00217  
)  
) **FINAL ORDER**  
)  
)  
) By Hon. Glen E. Conrad  
) United States District Judge

In accordance with the accompanying memorandum opinion, it is now

**ORDERED**

as follows:

1. The plaintiff's complaint shall be and hereby is **DISMISSED** and **STRICKEN** from the active docket of the court, pursuant to 28 U.S.C. § 1915A(b)(1); and
2. The plaintiff's motion to proceed in forma pauperis shall be and hereby is **DISMISSED** as moot.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the plaintiff and counsel of record for the defendant, if known.

ENTER: This 19<sup>th</sup> day of April, 2006.

United States District Judge